

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2008-43
March 25, 2008

SUBJECT: Delegation of Authority to the Deputy Mayor for Planning and Economic Development - Authority to Acquire and Dispose of Certain Real Property


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11), section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 (2007 Supp.)), District of Columbia Official Code § 16-1311 *et seq.* (2001), the Northwest One/Sursum Corda Affordable Housing Protection, Preservation and Production Act of 2006, effective November 16, 2006 (D.C. Law 16-188; 53 D.C.R. 6750), the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007, effective November 24, 2007 (D.C. Law 17-53; 54 DCR 10015) and any substantially identical permanent legislation, and the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development ("Deputy Mayor") is delegated the authority, including any authority that was previously approved by the Council, to lease or dispose of, and to take all actions necessary or useful for or incidental to the lease or disposition of, real property formerly owned by, or otherwise formerly under the management and control of, the National Capital Revitalization Corporation, RLA Revitalization Corporation, Anacostia Waterfront Corporation, Southwest Waterfront Development Corporation, Economic Development Finance Corporation, or any of their subsidiaries, that has been transferred to the District.
2. The Deputy Mayor is delegated the authority to acquire, and to take all actions necessary or useful for or incidental to the acquisition of, real property where such acquisitions are in furtherance of, or otherwise associated with, the implementation of a New Communities Initiative Plan, including the New Communities Initiative Plans for the Barry Farm/Park Chester/Wade Road, Lincoln Heights/Richardson Dwellings, Northwest One, and Park Morton New Communities ("New Communities Initiative Areas"). The authority delegated by this paragraph shall include the authority to acquire real property through the exercise of eminent domain.
3. The Deputy Mayor is delegated the authority to lease or dispose of, and to take all actions necessary or useful for or incidental to the lease or disposition of, real property where

such leases or dispositions are in furtherance of, or otherwise associated with, the implementation of a New Communities Initiative Plan. The authority delegated by this paragraph shall not limit the authority delegated to the Deputy Mayor pursuant to paragraph 1 of this Mayor's Order, nor shall the authority delegated by this paragraph limit the authority of another District agency to lease or dispose of real property that is under the management and control of that agency.

4. The Deputy Mayor is delegated the authority to lease or dispose of, and to take all actions necessary or useful for or incidental to the lease or disposition of, District-owned real property within the area bounded by Massachusetts Avenue, N.W., 2nd Street, N.W., E Street, N.W., and 3rd Street, N.W. ("bounded area"), including the air rights over Interstate 395 between Massachusetts Avenue, N.W., and E Street, N.W., and further including any street or alley within the bounded area the title to which may vest in the District after the effective date of this Mayor's Order.
5. The Deputy Mayor may further delegate all or a part of his or her authority under this Mayor's Order to subordinates under his or her jurisdiction.
6. This Order supersedes Mayor's Order 88-195, issued August 24, 1988, and any other previous Mayor's Order to the extent of any inconsistency.
7. **EFFECTIVE DATE:** This Order shall become effective immediately.


ADRIAN M. FENTY
MAYOR

ATTEST:


STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

TO: Barry Kreiswirth
Director of Policy and Legal Affairs
Office of the Deputy Mayor for Planning and Economic Development

FROM: Wayne C. Witkowski *WCW*
Deputy Attorney General
Legal Counsel Division

DATE: February 1, 2008

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order for DMPED
Authority to Dispose of Properties
(AM-08-020 B)

This responds to your January 14, 2008 e-mail, by which you request that this Office review the above-referenced draft Mayor's Order (Order) for legal sufficiency.

The Order¹ will delegate to the Deputy Mayor for Planning and Economic Development the Mayor's authority to lease or dispose of certain properties. Those properties include, among others, (a) those formerly under the management and control of the National Capital Revitalization Corporation and the Anacostia Waterfront Corporation or any of their subsidiaries and (b) District-owned real property within the area bounded by Massachusetts Avenue, N.W., 2nd Street, N.W., E Street, N.W., and 3rd Street, N.W.

¹ The Order is authorized by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(6) and (11) (2006 Repl.), section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 (2007 Supp.), District of Columbia Official Code § 16-1311 *et seq.* (2001), the Northwest One/Sursum Corda Affordable Housing Protection, Preservation and Production Act of 2006, effective November 16, 2006, D.C. Law 16-188, 53 D.C.R. 6750, the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007, effective November 24, 2007, D.C. Law 17-53, 54 D.C.R. 10015 and any substantially identical permanent legislation, and the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 D.C.R. 7461).

("bounded area"), including the air rights over Interstate 395 between Massachusetts Avenue, N.W., and E Street, N.W.²

Subject to technical review by the Office of Documents and Administrative Issuances, I find the attached revised copy of the Order to be legally sufficient.³

If you have any questions about this memorandum, please contact either Mr. Grimaldi at 724-5198, or me at 724-5524.

WCW/ljg

Attachment (as stated)

² The bounded area described in paragraph 4 of the Order includes an area within which the leasing of air space is prohibited. See section 14 of the District of Columbia Public Space Utilization Act, approved October 17, 1968, 82 Stat. 1170, D.C. Official Code § 10-1121.13 (2001). Therefore, my finding the Order to be legally sufficient is based, in part, on the understanding that the inclusion of the bounded area within paragraph 4 relates only to those parts of it which the District is authorized to dispose of, i.e., sell.

³ The attachment reflects comments of Assistant Attorney General John J. Grimaldi, II, Legal Counsel Division, and of the Real Estate Section, Commercial Division, which comments were discussed with and approved by you.